

111TH CONGRESS  
1ST SESSION

# H. R. 535

To amend title 44 of the United States Code to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 2009

Mr. NEUGEBAUER introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title 44 of the United States Code to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Working Small Busi-  
5 ness Regulatory Relief Act”.

1 **SEC. 2. SUSPENSION OF FINES FOR FIRST-TIME PAPER-**  
2 **WORK VIOLATIONS BY SMALL BUSINESS CON-**  
3 **CERNS.**

4 Section 3506 of title 44, United States Code (com-  
5 monly referred to as the “Paperwork Reduction Act”), is  
6 amended by adding at the end the following:

7 “(j) SMALL BUSINESSES.—

8 “(1) SMALL BUSINESS CONCERN.—In this sub-  
9 section, the term ‘small business concern’ means a  
10 business concern that meets the requirements of sec-  
11 tion 3(a) of the Small Business Act (15 U.S.C.  
12 632(a)) and the regulations promulgated under that  
13 section.

14 “(2) IN GENERAL.—In the case of a first-time  
15 violation by a small business concern of a require-  
16 ment regarding the collection of information by an  
17 agency, the head of such agency shall not impose a  
18 civil fine on the small business concern unless the  
19 head of the agency determines that—

20 “(A) failure to impose a civil fine would  
21 impede or interfere with the detection of crimi-  
22 nal activity;

23 “(B) the violation is a violation of an inter-  
24 nal revenue law or a law concerning the assess-  
25 ment or collection of any tax, debt, revenue, or  
26 receipt;

1           “(C) the violation was not corrected on or  
2 before the date that is 6 months after the date  
3 of receipt by the small business concern of noti-  
4 fication of the violation in writing from the  
5 agency; or

6           “(D) except as provided in paragraph (3),  
7 the violation presents a danger to the public  
8 health or safety.

9           “(3) DANGER TO PUBLIC HEALTH OR SAFE-  
10 TY.—

11           “(A) IN GENERAL.—In any case in which  
12 the head of an agency determines under para-  
13 graph (2)(D) that a violation presents a danger  
14 to the public health or safety, the head of the  
15 agency may, notwithstanding paragraph (2)(D),  
16 determine not to impose a civil fine on the  
17 small business concern if the violation is cor-  
18 rected not later than 24 hours after receipt by  
19 the small business owner of notification of the  
20 violation in writing.

21           “(B) CONSIDERATIONS.—In determining  
22 whether to provide a small business concern  
23 with 24 hours to correct a violation under sub-  
24 paragraph (A), the head of the agency shall

1 take into account all of the facts and cir-  
2 cumstances regarding the violation, including—

3 “(i) the nature and seriousness of the  
4 violation, including whether the violation is  
5 technical or inadvertent or involves willful  
6 or criminal conduct;

7 “(ii) whether the small business con-  
8 cern has made a good faith effort to com-  
9 ply with applicable laws and to remedy the  
10 violation within the shortest practicable pe-  
11 riod of time; and

12 “(iii) whether the small business con-  
13 cern has obtained a significant economic  
14 benefit from the violation.

15 “(C) NOTICE TO CONGRESS.—In any case  
16 in which the head of the agency imposes a civil  
17 fine on a small business concern for a violation  
18 that presents a danger to the public health or  
19 safety and does not provide the small business  
20 concern with 24 hours to correct the violation  
21 under subparagraph (A), the head of the agency  
22 shall notify Congress regarding such determina-  
23 tion not later than the date that is 60 days  
24 after the date that the civil fine is imposed by  
25 the agency.

1 “(4) LIMITED TO FIRST-TIME VIOLATIONS.—

2 “(A) IN GENERAL.—This subsection shall  
3 not apply to any violation by a small business  
4 concern of a requirement regarding collection of  
5 information by an agency if such small business  
6 concern previously violated any requirement re-  
7 garding collection of information by that agen-  
8 cy.

9 “(B) OTHER AGENCIES.—For purposes of  
10 making a determination under subparagraph  
11 (A), the head of an agency shall not take into  
12 account any violation of a requirement regard-  
13 ing collection of information by another agen-  
14 cy.”.

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